

## **ATTACHMENT B**

### **IA Terms and Conditions**

#### **Technical Assistance for Emergency Response/Removal Action Support Activities in EPA Region 8**

The USCG agrees to meet the site-specific financial management and record keeping responsibilities contained in EPAs "Superfund Financial Management and Record keeping Guidance for Federal Agencies" (January 1989).

#### **I. Cost Documentation Requirements**

EPA acting as manager of the Hazardous Substances Superfund requires current information on CERCLA response actions and related obligations of CERCLA funds for these actions. In addition, CERCLA, as amended, authorizes EPA to recover from responsible parties all government costs incurred during a response action. In order to help assure oversight and successful recovery of CERCLA funds; both the USCG and EPA have responsibilities under this agreement. The USCG accounting system reports must be supported by site- and activity-specific cost documentation. The USCG will organize and retain in a site file documentation of costs by site and activity (e.g. vouchers, billing statements, evidence of payment, audit reports) as follows:

##### **1. Direct Costs**

- Payroll - timesheets or timecards to support hours charged to a particular site, including the signature of the employee and/or the employee's supervisor.
- Travel - travel authorizations (including purpose of trip), local travel vouchers, traveler's reimbursement vouchers, carrier bills (including airline tickets), government owned vehicle bills, appropriate receipts for hotel, car rental, etc., proof of payment. Proof of payment is satisfied by providing a copy of SF1166 "Voucher and Schedule of Payment" or equivalent.
- Contractor services - copies of contracts, requests for proposals (RFPs), detailed evaluation of contractor bids, contractor invoices, USCG project officer approval of invoices, -proof of payment Proof of payment is satisfied by providing a copy of the accomplished SF1166 or equivalent
- Supplies and Equipment - EPA authorization to purchase non-expendable property- of \$1,000 or more, vendor invoices, proof of payment, and hourly records of equipment use, when applicable.
- . Any other direct costs not included in the above categories.

b. Indirect Costs

If indirect costs are not calculated by the USCG accounting system, a worksheet showing calculations of indirect costs charged to site(s) will be retained by USCG.

Under this IA the USCG certifies: 1) that any indirect costs included in billings to EPA represent, in accordance with GAO principles, indirect costs that would not have been otherwise incurred by the USCG, or 2) that explicit Congressional authority exists for charging other than incremental costs of performance.

2. **Reporting Requirements**

a. Upon completion of work the USCG will provide a summary report to the Regional Project Officer containing:

- Site name, site ID number and IA number
- Summary of work performed
- Accounting of funds expended during the billing period.
- Summaries of all contacts with representatives of the local community, public interest groups, or State government during the reporting period
- Summaries of all problems or potential problems encountered during the reporting period
- Projected work for the next reporting period.

b. The USCG will provide the EPA Financial Management Center, Cincinnati, with quarterly OPAC Summary Report, identifying the charges, for the billing period, by site name, site-specific account number, and IA number.

c. The USCG will provide a final inventory of property, within 30 days of project completion, describing the condition of each item and requesting disposition instructions. If the duration of the project is greater than one year, USCG will provide EPA with an annual inventory of all property acquired by or furnished to the USCG with EPA funds.

**3. Cost Recovery**

In the event of a contemplated cost recovery action, the USCG will provide to EPA or the Department of Justice (DOJ) a cost documentation package detailing site-specific costs and including copies of the backup documentation. In some cases, these requests from EPA or DOJ may require that this' documentation be provided in less than thirty days. If additional time is required to comply with a request, USCG will negotiate with EPA or DOJ a timeframe for responding. USCG will provide EPA with a contact for obtaining necessary site-specific accounting information and documentation.

**4. Record Retention Requirements**

The USCG and its contractors will retain the documents described in these "Special Conditions for a minimum of ten years after submission of a final OP AC billing for a site, after which the USCG and its contractors must obtain written permission from the authorized EPA official before disposing of any of the records.

**5. Audits**

- a. The Department of the Interior is required by CERCLA, as amended to perform annual audits of transactions involving the Superfund. Cost documentation information must be available for audit or verification upon request of the Inspector General.
- b. If an audit determines that any direct or indirect costs charged to EPA are unallowable, EPA will be notified immediately following the resolution of the audit.

**6. Other EPA Involvement**

- a. EPA's Substantial involvement in this IA will include:
  - Receipt and approval by the EPA regional program office of the progress reports and any other technical reports described in the Scope of Work.
  - Acceptance and approval of requests for reimbursement by the authorized representatives' of the EPA regional program office and the EPA regional IA administration office (optional).
- b. EPA will hold title to all property acquired with Superfund monies. EPA will provide the USCG with the property disposal instructions upon termination of the IA and receive fair-market value for any property disposed of or used for non- Superfund activities.

## 7. **Quality Assurance Requirements**

If this IA involves the collection or generation of environmental data, then the general Quality Assurance Project Plan (QAPP), a site-specific Sampling and Analysis Plan (SAP) and QA Document Review Crosswalk (Crosswalk) must be developed as required under EPA Order CIO 2105. The EPA requirements for QAPP (EPA QA/R-5) and other QA documents can be found at <http://www2.epa.gov/region8/quality-assurance-program>. The QAPP for this IA must be approved by the EPA Region 8 QA Manager (RQAM); individual site-specific SAPs and Crosswalks will be approved by the RQAM or an EPA Delegated Approving Official (DAO) before Environmental Data activities are taken.

Since this IA is for USCG to provide direct support to USEPA OSCs conducting various CERCLA and OPA removal actions, the QA documents (QAPP, SAP, and Crosswalk) required under CIO 2015 will be developed by EPA and/or EPA Contractor. The USCG will adhere and comply to all approved EPA QA documents.

During emergency responses including time-critical CERCLA removal actions or oil releases (i.e., oil and/or chemical releases from train derailment or pipeline), the required site-specific QA documents can be submitted/provided to EPA DAO for approval after environmental data activities conducted or taken in a timely manner. It's important to note that In general, the required site-specific QA documents required to be developed and submitted for approval in a timely manner after the environmental data collected.

*Environmental data* is any measurement or information that describes environmental processes, location, or condition; ecological or health effects and consequences, or the performance of environmental technologies. *Environmental data* include any information collected directly from measurements or obtained from any other sources (i.e., existing data/secondary data) such as those compiled from data bases, data reports, literature, surveys, or produced from computer models.

## 8. **Project Specific Conditions**

- a. USCG personnel and contractors shall have the appropriate safety training and be involved in medical monitoring program as specified in 29 CFR Part 1910 (51 CFR 45663 - 45675) and Section 126(e) of CERCLA, as amended. The costs of health and safety training, health screening (exam or monitoring) and safety equipment are allowable under this agreement. If they are required to perform a site-specific IAG, EPA will ensure that every site at which USCG personnel are requested to work has been characterized as to the hazards present and the level of personal protection required.

## 9. **Minority Business Utilization**

In accordance with Public Law 102-389, EPA's policy requires, to the fullest extent possible, that at least 8% of its overall Federal funding for prime and subcontracts awarded in support of authorized programs be awarded to business concerns or other organizations owned or controlled by socially and economically disadvantaged individuals, including historically Black colleges and universities and women.

Consistent with this policy, the USCG agrees, in awarding contracts under this LAG, to comply with the utilization requirements for Minority Business Enterprises (MBEs) and Women's Business Enterprises (WBEs) set forth in the Small Business Act, 15 U.S.C. 631

et seq and the annual Small Business goals negotiated with the Small Business Administration (SBA).

The USCG agrees to submit a report to EPA showing the total amount of procurement dollars awarded and the amount and percentage of such funds awarded to MBEs and WBEs on Forms 6005-3 and 6005-3 a by December 15th of the current year. Reports should be submitted to:

Office of Small Disadvantaged Business Utilization  
U.S. Environmental Protection Agency 401 M Street,  
S.W. (Mail code: 1230) Washington, **D.C.** 20460